

# County of San Luis Obispo



2016  
State Legislative / Regulatory Platform

DRAFT 12-16-15

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## INTRODUCTION

**In order to reflect the priorities of the County, the 2016 Legislative Platform is divided in two sections:**

- **SAN LUIS OBISPO COUNTY SPECIFIC ISSUES** – Issues the County will actively pursue that directly affect the County.
- **SHARED LEGISLATIVE PRIORITIES** – Issues the County will actively pursue that directly affect the County as well as other jurisdictions; divided in the Platform by each of the four functional areas of county government: Community Resources and Infrastructure, General Government, Health and Human Services, and Law and Justice, then sorted by priority.



## LEGISLATIVE GOALS

The San Luis Obispo County Board of Supervisors acknowledges the severity of expenditure reductions and revenue increases the State previously implemented to ensure the State's solvency during the previous years' budget crisis. The State's FY 2015-16 budget, as signed by the Governor, continues to make investments in the Rainy Day Fund and retired the remaining debt owed to counties for the pre-2004 SB 90 claims. The County's legislative platform seeks to maintain State funding levels of local government programs to the furthest extent possible. Additionally, the Board seeks to maintain close relationships with San Luis Obispo County's legislative delegation and key legislative leaders to foster greater understanding of San Luis Obispo County's concerns and needs.

The primary goal of San Luis Obispo County's Board of Supervisors and its employees is to serve and support the well-being of its residents; San Luis Obispo County government is dedicated to enhancing the economic, environmental, and social quality of life in the County. To this end, in 2016, the San Luis Obispo County Board of Supervisors supports the general principles set forth below. County staff, including the County's legislative advocates, will apply these general principles to evaluate legislation, as well as executive and regulatory directives, and take those actions necessary for their implementation.

1. Preserve San Luis Obispo County and other local revenues and funding sources from further reductions, especially those that would directly impact the County's ability to serve its residents; support legislative and policy initiatives that maintain funding levels.
2. Support increased appropriations to the County for mandated programs, including capital acquisition costs. Oppose mandates without revenue and/or unnecessary State mandates. Support legislation that allows flexibility to local governments to effectively and efficiently administer state-mandated programs and provide local government additional protection from state mandates that are not supportive of local control. Oppose the transfer of additional state programs to the County, unless adequate, secure and on-going revenues are provided by the State. Where State funding is not available, support legislation that authorizes locally-developed, functionally equivalent programs in place of subjecting municipalities to state laws/regulations (e.g. Williamson Act).
3. Support legislation that allows maximum flexibility to local governments to effectively and efficiently administer state-mandated programs and



- provides local government additional protection from state mandates that attempt to micromanage local affairs.
4. Encourage, seek and support continued legislative efforts to streamline, improve and modernize state land use regulations and/or policies such as the California Environmental Quality Act (CEQA), California Coastal Act, Subdivision Map Act, etc. without compromising or undermining the original intent and tenets of these laws.
  5. Support legislation that modernizes the State budget process to reflect the best practices in state financial management from across the country including a two-year budget cycle. Seek changes to make the process more transparent, accountable, and responsive to the citizens of California.
  6. Encourage and seek legislation that protects, promotes and preserves the County's quality of life, its diverse natural resources, its economic base, and the character and history of the County, including legislation which would provide funding to local agencies to develop programs, policies and projects.
  7. Encourage, seek and support legislation that facilitates orderly economic expansion and diversification and increases the opportunity for discretionary revenues and programmatic and financial flexibility for the County.
  8. Support legislative initiatives that provide funding sources or financing tools for local programs or projects that support projects including but not limited to: development of adequate infrastructure, reduced energy use, development of renewable energy and Geographic Information System (GIS) data layers that would assist local governments with infrastructure, energy and economic development.
  9. Support the County's authority to assure mutually acceptable tax sharing agreements for annexation and incorporation that protect or enhance the County's ability to provide services to its residents.
  10. Support legislation that: 1) encourages cooperation between the County and its cities, special districts, and other local agencies in efforts to develop regional plans, programs and initiatives and 2) facilitates regional cooperation on issues of community-wide and regional concerns including the development and provision of adequate infrastructure which includes water, roads, and technology.



11. Support the principles adopted by the California State Association of Counties (CSAC) where they are consistent with the principles and priorities identified by the San Luis Obispo County Board of Supervisors.
12. Support the preservation, protection, and enhancement of the California coastline through proper planning. San Luis Obispo is committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning. Statewide efforts related to the California coastline must respect local land use authority. Support collaborative and cooperative work with State, other counties and cities to ensure decisions do not erode local control and decision-making. Encourage, seek and support efforts to streamline, improve and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
13. Support and encourage a cooperative approach between state and local agencies for the maintenance, improvement and development of transportation infrastructure and public transportation systems.
14. Oppose any measures or legislation that reduces the super majority vote required to raise taxes from 2/3<sup>rd</sup> to 55%.
15. Oppose any legislation or initiative that proposes to modify Proposition 13. Specifically oppose any legislation or proposal that would establish a so-called "Split Roll" for property tax, which would thereby reduce protections for commercial property owners.





## SECTION 1: SAN LUIS OBISPO COUNTY SPECIFIC ISSUES

### **Transportation, Public Works, Planning, and Agriculture**

- A. Problem:** The Paso Robles groundwater basin is in crisis, creating tremendous uncertainty for residential and agriculture users. The Board of Supervisors is working as quickly and collaboratively as possible with stakeholders to arrive at a mutually agreeable solution to manage the groundwater basin resource in a manner that appropriately balances the rights and interests of all basin users.

**Resolution:** Seek funding or other resources from the State and Federal government to, if necessary, provide financial relief for users of the Paso Robles Groundwater Basin if alternative water resources or other projects are identified for further study or implementation.

- B. Problem:** Effective January 1, 2016 new State law - known as the Sustainable Groundwater Management Act (SGMA) – requires the management of the County's high and medium groundwater basins identified as such by the Department of Water Resources. SGMA requires each basin to have a Groundwater Sustainability Agency (GSA) develop a Groundwater Sustainability Plan (GSP) for each basin by 2020 or 2022. Significant work efforts over the next few years will strain County resources in developing the sustainability plans.

**Resolution:** Seek funding or other resources from the State and Federal Government to assist in the development of GSA's and GSP's. Work with State legislators and agencies on seeking clarity, as well as new or clean-up language and policy related to SGMA, including but not limited to funding, and basin boundaries.

- C. Problem:** In recognition of the drought conditions, Governor Brown, on January 17, 2014, declared a State of Emergency in California and urged Californians to conserve water in every possible way. The magnitude of the drought conditions have affected not only agriculture, and commercial business but threatens drinking water supplies throughout the State as well as the County. For example, the Cambria Community Services District has declared a drought emergency and has imposed a Stage 3 restriction which includes prohibition on all outdoor watering of landscaping, washing of vehicles, sidewalks, or parking lots with potable





water or the planting of any non-native or non-drought tolerant plants among other restrictions.

**Resolution:** Seek a secure funding source, Federal or State, for the development of emergency drinking water supplies.

- D. **Problem:** There are significant opportunities to improve local water supply and supply resiliency, including partnering with Pacific Gas and Electric Company to increase the volume of desalinated water produced at the Diablo Canyon power plant and transporting that water to end users within the County of San Luis Obispo, and storing water in groundwater basins; however, financial barriers, as well as stringent and complex regulations and permitting processes, inhibit the ability of communities to address their water resources needs.

**Resolution:** Seek funding and grant programs, and permit streamlining requirements, which would facilitate project construction and program implementation to maximize the accessibility to existing and supplemental water supplies in the region, provide adequate and sustainable water supplies and infrastructure, develop and implement conservation programs, treat groundwater storage as a beneficial use of water, and diversify water supply sources including the use of recycled and desalinated water.

- E. **Problem:** State Route 101 travels through the County of San Luis Obispo as a primary north-south route for state commerce and travel. While the majority of Route 101 in the County operates as a full freeway facility, there are three segments which are conventional highway with at-grade intersections. With the increase in traffic volume on Route 101, safety concerns at these at-grade intersections has increased such that it would suggest need for improved access controlled facilities.

**Resolution:** Support increased funding for planning, design and construction of freeway conversion of these three segments of Route 101. Initiate Caltrans corridor plans to define access improvements and phased construction. Support funding from inter-regional funds under the State Transportation Improvement program.

- ~~F. **Problem:** The California Men's Colony (CMC) runs a water treatment and wastewater treatment facility. The County understands that CMC does not want to continue operation of these facilities, and may be interested in pursuing legislative changes that could authorize the County to assume operations of the plant. Such a change presents many potential benefits to the County.~~



~~**Resolution:** Begin discussions with the appropriate oversight agencies within the Administration to explore possible options for the transfer of operational authority of the CMC facilities. Such options may require legislation; sponsor legislation as needed to ensure that County is authorized to take over operations of the facilities.~~

**G.F. Problem:** The procurement process for transportation projects has not been updated in many years, and is not indexed to inflation, which creates artificially low thresholds.

**Resolution:** Sponsor or support legislation to increase construction contract limits of \$10,000, \$30,000, and \$125,000 to reflect inflation costs and index those costs to inflation going forward.

**H.G. Problem:** Increasing development around existing landfills threatens the ongoing operation of these landfills and their associated facilities as new property owners complain about operations they believe to be a nuisance.

**Resolution:** Sponsor and/or support legislation which clearly establishes disclosure of existing landfill operations and their potential expansions during escrow of a real estate transaction. Similar to "The Right to Farm Act" (California Civil Code sections 3482.5 and 3482.6), potential legislation would identify landfill activities as not a nuisance and require new properties owners to sign a disclosure acknowledging they are purchasing property within the vicinity of an existing landfill.

**I.H. Problem:** Land in agricultural production along the Arroyo Grande Creek levees are an important local resource. In 2001, a levee breach flooded agricultural land, and it is reasonable to assume a major flood event could cause a levee breach and flood agriculture again. The levee system was deemed to be past its useful life in 2009 and does not provide the original flood protection it was designed for. A levee breach would have significant economic impacts to the local community. Crop insurance does not fully recover losses, and in many instances it is unavailable or not provided for certain crops. The County of San Luis Obispo desires to have the farmers and property owners within the agricultural region protected, via insurance, to the highest extent possible should a breach occur. Farmers and property owners in the area have expressed it is costly, difficult and sometimes impossible to obtain adequate insurance coverage.



**Resolution:** Sponsor and support legislative changes to ag-related insurance programs to cover more crops and cover more losses. Encourage Congress to make changes to the National Flood Insurance Program that would establish flood zones for agriculturally-based communities and allow for certain ag-related development. Additionally, encourage Congress to allow for adjusted rates based on actuarial risk, thereby lowering base rates in areas of lower risk.

**I. Problem:** Residential neighborhoods and public facilities adjacent to State owned property (Oceano Dunes SVRA) are subject to periodic inundation due to the application of CA State Park policies that emphasize allowing "natural" processes to develop and evolve on park lands. These policies have also resulted in alterations to a significant flood control channel located within a local easement on State Park land.

**Resolution:** Sponsor and support legislation that requires State Park management plans to proactively manage State owned lands in ways that do not result in harm (i.e. flooding) of adjacent developed properties and existing locally maintained infrastructure.

## **General Government**

**A. Problem:** As of 2009 legislation, Community Service Area (CSA) law does not allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll when the property owner is not the water/sewer customer, causing significant loss of revenue for services provided.

**Resolution:** Sponsor and/or support legislation re-establishing CSA law to allow the collection of delinquent "property related fees and charges" (water and sewer rates) on the tax roll regardless of whether the account is in the name of the property owner or tenant.

**B. Problem:** There is a very limited pool of Agricultural Commissioners in California due to the dual certifications required of persons who hold the position. There is no flexibility in current statute to appoint an individual with some or most of the necessary qualifications, and allow some grace period to obtain all necessary certifications of an Agricultural Commissioner.



**Resolution:** Seek and support legislation which gives a Board of Supervisors more flexibility in appointing Agricultural Commissioners, by authorizing the appointment of a Commissioner who has obtained some or most of the qualifications and certifications necessary, and will obtain or complete those qualifications within a specified period of time.

- C. **Problem:** The preservation of agricultural land is vital to the County's future economic stability and the sustenance of agriculture as a viable industry in San Luis Obispo County.

**Resolution:** Support legislation and budget action to restore the Williamson Act subventions to their highest historical levels. Support legislation to establish uniform statewide enforcement of the Act; specifically to increase the County's authority to enforce the provisions of the Williamson Act. Oppose any effort to repeal the Williamson Act.

- D. **Problem:** Recent state efforts to promote and regulate the siting of renewable energy power facilities conflict with local land use authority. Currently, oversight and land use related to the siting of renewable power, except thermal power plants greater than 50MW, is appropriately under the jurisdiction of the local land use agency.

**Resolution:** Support legislation which retains current local land use, siting authority and final approval of renewable energy plants at the local level. Oppose any legislative or administrative action which seeks to subsume this authority and give it to the State, or cedes authority to an investor owned utility. Oppose legislative or administrative action which would result in discouraging local distributed generation or local ability to set terms and conditions over siting.

- E. **Problem:** There are insufficient regulatory and financial incentives to promote residential, commercial, and community scale energy efficiency and renewable energy projects and programs. Regulatory and financial barriers prevent small-scale clean energy projects from being developed beyond an excessively limited scale.

**Resolution:** Seek and support legislation and regulatory proceedings which encourage and incentivize renewable energy, such as rooftop solar power, and energy efficiency on a residential, commercial and community scale. Specifically support the following actions:

1. Offer Financial Incentives & Financing Options—The Public Goods Charge needs a guarantee of long-term funding for renewable energy and efficiency programs that lower utility bills in our



communities and help meet local and state environmental goals. Energy efficiency and small-scale renewable projects should be financially supported with rebates, on-bill financing, loan guarantees, and low-interest loans. Efficiency programs need to greatly expand whole building retrofits, net-zero energy buildings, and community clean energy projects and programs.

2. **Establish Feed-in Tariffs for Small-Scale Renewables**—the state should establish through legislation a feed-in tariff for small-scale renewable energy projects with sufficient payments to recover the cost of generation plus a modest profit to incentivize development. Payment rates should be differentiated by technology and project size, with a separate schedule of higher payments for government agencies, schools, and non-profit organizations that cannot take advantage of federal tax credits—similar to the higher rebates currently offered through the California Solar Initiative for non-taxpaying customers. This would allow local public agencies, as well as individuals and businesses in our communities, to be paid for generating clean, renewable energy and to benefit financially from the state’s renewable energy policies.
3. **Expand Net Metering**—net metering allows utility customers in California to get a credit on their bill for energy that they produce with their own small-scale renewable energy projects. The state currently has a program cap limiting net-metering to 5% of the utilities’ peak loads, which is expected to be reached starting next year. The state urgently needs to increase this cap to 10% of the utilities’ peak loads to save thousands of jobs in the state and for insuring that small-scale renewable energy continues to thrive in our communities. Net metering should also be expanded to allow customers to participate in “solar shares” projects that are not physically connected to a customer’s meter. Above all, the state must not allow utilities to impose excessive charges that would destroy the net metering program.
4. **Protect Solar Access** – Legislation should be created to ensure that sunlight exposure for residential solar installations is protected from future development that may otherwise impede access to sunlight and homeowner’s or other types of neighborhood or owner/tenant associations cannot prohibit the installation of rooftop solar. And Regulatory agencies should insure low-cost, fast and efficient grid interconnection for all small-scale renewable energy projects.



- F. Problem:** AB 32 (Nunez) and SB 375 (Steinberg), both which deal with the control of emissions of greenhouse gases, are examples of significant and impactful legislation which the County intends to implement; however, these directives create expensive, unfunded mandates for local jurisdictions. The cost and time associated with implementing this legislation will be significant to the County.

**Resolution:** Seek and support full funding for the implementation of the mandates included in AB 32 and SB 375, and any future legislation.

**G. Problem:** Government Code §15301(a) allows the use of National Guard armories located within specific counties to be open and made available as temporary shelter for homeless persons within those counties. The County is not included in the list of those specific counties authorized to use armories as temporary shelter without approval of the Adjutant General. The ability to open the Atascadero and Camp San Luis armories as warming centers would provide additional locations for homeless persons in the County to seek shelter from the anticipated El Nino and freezing cold weather.

**Resolution:** Seek legislation amending Government Code §15301(a) to add the Atascadero and Camp San armories in San Luis Obispo County to the list of specific county armories authorized to be made open and available as temporary shelter for homeless persons.

**G. Problem:** As a result of the Senate District 15 Special Elections held in June and August 2010, San Luis Obispo County incurred over \$700,000 in expenses which have still not been reimbursed by the State.

**Resolution:** Sponsor and support legislation or budget language that will provide full reimbursement to the County for the Senate District 15 special elections. Support legislation which will provide for the automatic reimbursement of costs associated with state and federal special elections.

## **Public Safety**

- A. Problem:** Setting up juvenile delinquency financial accounts and accepting installment payments cost probation departments across the State thousands of dollars each year. There is no mechanism to



specifically authorize a County to institute a fee to recover the actual costs of administering juvenile restitution fines and fees.

**Resolution:** Seek legislation which clearly authorizes the Board of Supervisors to institute and collect juvenile restitution fees.

**B. Problem:** In California, by State law, the costs of nuclear power plant emergency planning and preparedness for local agencies and two State agencies is borne by the utilities operating the plants (California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code, Article 10, 8610.5). Local emergency preparedness efforts will need to continue long past the useful life of a nuclear power plant emergency especially relating to on-site spent fuel storage. This is because there remains a Nuclear Regulatory Commission (NRC) requirement to interact with local offsite agencies that actually still requires at least some level of emergency planning.

The NRC infers these offsite emergency planning efforts by public agencies can simply be included in an overall, countywide general emergency preparedness plans, referred to as all-hazards plans. All-hazards plans are general emergency plans that are not specific to nuclear power plant preparedness. Nuclear power plant emergency planning is very unique and requires preparedness actions distinct from general all hazards plans.

San Luis Obispo County would still have to maintain a separate emergency planning process and program to meet the NRC requirements imposed on the plants with spent fuel. This will include having to maintain a radiological dose assessment center, continuing and ongoing County and other agency emergency worker training, a public information (news) center and ongoing public information campaigns and open communications channels between public agency offsite organizations and the utility, among other existing efforts. These costs will be incurred by local public agencies as direct result of the utility's storage of spent fuel on the plant site. However, as written in the current State nuclear power plant emergency planning funding legislation these costs would be shifted from the utility to the County of San Luis Obispo and other local government jurisdictions, creating an additional fiscal burden.

**Resolution:** Support legislation that updates existing nuclear power plant emergency funding legislation to change the reference from operating nuclear power plants to a statement that funding for emergency planning





and preparedness for offsite jurisdiction's continue until all spent fuel is removed the site.



## SECTION 2: SHARED LEGISLATIVE PRIORITIES

### **Transportation, Public Works, Planning and Agriculture**

- A. Problem:** The United States Environmental Protection Agency has mandated minimum measures for the control of urban storm water, pursuant to the National Pollutant Discharge Elimination System developed as part of the Federal Clean Water Act. In order to comply with the Federal mandate, the State Water Resources Control Board has developed Statewide General Permits for both municipalities and new construction. The requirements contained in these permits exceed the federal mandate in numerous areas. In addition, Regional Water Quality Control Boards are given leeway to modify (increase) the statewide requirements with no oversight. In all cases, and despite the Federal mandate to consider the costs of implementation, neither the State Board nor Regional Boards provide additional funding or include realistic limits on the costs of compliance to local agencies.

**Resolution:** Support legislation that prevents the State and Regional Boards from adopting statewide or region-wide permits that exceed federal clean water mandates without program-specific legislation and without full funding. Support legislation that provides Prop 218 relief on funding stormwater efforts.

- B. Problem:** The cost to produce a CalTrans Project Summary Report (PSR) for a transportation project can become a significant financial drain on the overall cost of the project and waste scarce funding on administrative hurdles instead of construction materials and jobs.

**Resolution:** Sponsor or support legislation which would increase the ability of a CalTrans District Director to approve projects without a PSR to \$5 million.

- C. Problem:** CalTrans interchange capacities are not currently defined as a State route concern (i.e. not a local development issue).

**Resolution:** Support legislative and administrative actions which would increase responsibility and accountability for CalTrans to



prepare their own CalTrans Project Summary Report (PSRs) for interchanges.

**D. Problem:** ~~Previous legislative efforts to close the State's ongoing budget deficit have repeatedly produced proposals that would "take" gas tax and other revenues allocated to counties and restricted for road purposes. If successful, revenue shifts of this type would substantially reduce road revenues and significantly impair the Public Works Department's ability to adequately maintain County roads. While a recent successful ballot measure has constrained the legislature's ability to make such shifts, concern remains that local funds be protected.~~

**Resolution:** ~~Oppose legislation and State proposals that "take" gas tax and other road revenues. Support legislation that ensures the preservation of road revenues, including proposals that may increase State transportation revenues in lieu of taking local revenues, and those that improve equitable funding of local maintenance needs. Seek to reverse the budget action taken in 2012 to make the HUTA shift from local agencies to the State permanent.~~

**D. Problem:** Streets and roads across the State are in decline. The Governor called an Extraordinary Session in June 2015 for the Legislature to develop and approve a bill or package of bills to address the State's funding needs related to transportation. The Legislature did not come to agreement on any package before adjourning for 2015; it is widely expected that a series of proposals will be crafted in time for discussion and debate in early 2016.

**Resolution:** Support legislation that increases state funding dedicated to local streets and roads maintenance, particularly for rural counties who rely on adequate road maintenance funding to support the agricultural economy's infrastructure needs. Advocate for funds dedicated to transportation to be "lock boxed" to avoid future raids on local transportation funding. Oppose legislation and State proposals that "take" gas tax and other road revenues.

**E. Problem:** Failure to fully disclose the actual identity and quantity of packaged commodities prohibits accurate value comparison for consumers and promotes unfair business practices among competing manufacturers.



**Resolution:** Support legislation which assures clear labeling and accuracy of the net quantity of packaged products to promote value comparison and to ensure the consumer receives the product and the quantity of product for which they pay.

- F. **Problem:** There have been recent legislative proposals that restrict the authority of state and county sealers to test, verify and seal certain commercial weighing and measuring devices. Such proposed exemptions eliminate the protection provided by weights and measures officials to consumers and businesses that rely on accurate measurements to ensure proper payment for commodities actually purchased.

**Resolution:** Continue to oppose legislation that would diminish or remove protections now afforded to consumers for transactions based on weighing and measuring devices.

- G. **Problem:** Weights and Measures Programs are important to businesses and consumers in California. Weights and Measures Programs ensure there is a “level playing field” in the marketplace for businesses and industries. Likewise, these programs are critical in providing protection for consumers and reliable means for value comparisons when products are purchased by weight, measure, count or time. County Sealers must maintain the ability to recover the costs for inspection programs in order to provide protections to both consumers and merchants.

**Resolution:** Support legislation that would eliminate the repeal date in the Business and Professions Code Section 12246 pertaining to Weights and Measures Device Registration Fees and oppose legislation that would prevent the collection of fees up to cost recovery for device testing and registration.

- H. **Problem:** A major source of funding for County Agricultural Commissioner’s Pesticide Use Enforcement programs is the pesticide mill fee imposed on the registrant at the first point of sale of a pesticide in California. In order to maintain the integrity and quality of the pesticide regulatory system, it is critical we support methods to maintain or increase funding through the mill fee assessment.

**Resolution:** Support legislation that maintains or increases funding through the pesticide mill fee that is sufficient for pesticide regulatory activities to protect the safety of workers, the public and the



environment and provides funding for education, outreach and compliance assessment activities related to the safe use of pesticides.

- I. **Problem:** The Direct Marketing program is intended to provide a viable channel for California farmers to market their agricultural products directly to consumers, individuals, organizations or entities at the point of production or at Certified Farmers Markets (CFMs), providing exemptions from minimum size, labeling, standard pack, and container requirements under the Standardization Program. The Direct Marketing program provides opportunities for over 3,000 certified producers to sell their certifiable agricultural products directly to the public at approximately 800 CFMs throughout California. Increased focus on local food systems, such as Retail Farm Stands, Community Supported Agriculture (CSA) entities, Community Gardens and School Gardens, has precipitated legislation relating to direct marketing. The Direct Marketing program under the direction of County Agricultural Commissioners (CACs) is well established in many counties; however, enforcement of complex regulations is cumbersome and not effective, largely due to significant underfunding and resources inadequacies. Without appropriate funding, the California Department of Food and Agriculture and CAC's are unable to provide levels of enforcement expected by consumers and the direct marketing industry or sufficient to maintain compliance.

**Resolution:** Support legislation and proposals that enhance funding and resources to support an effective regulatory program for direct marketing at, both, the state and local level.

- J. **Problem:** A number of significant invasive species are routinely introduced and detected in California that threatens agriculture and the environment. Continued funding of Pest Exclusion, Pest Detection Trapping and Survey Activities, Rapid Response, Pest Management and Eradication (if feasible), and Public Education Outreach Programs is critical in protecting California's resources.

**Resolution:** Support legislation which:

- Protects existing revenue sources and enhances state and federal funding of Pest Prevention Program activities.
- Provides full cost recovery for new programs.
- Maintains or enhances funding for current programs.
- Supports all reasonable efforts by the California Department of Food and Agriculture, County Agricultural Commissioners, and



the agricultural industry to acquire funding and to prevent the introduction and potential spread of invasive pests in California.

- Provides for effective pest management and eradication activities
- Provides local flexibility to enhance the abilities of Agricultural Commissioners to respond to pest emergencies and high priority local pest exclusion pathways.
- Support budgetary efforts to restore funding for agricultural border stations.
- Supports research on invasive species pathways as well as funding mechanisms to close potential pathways.

**K. Problem:** Invasive noxious or non-native weeds continue to proliferate on public and private lands throughout California, threatening the state's critical infrastructure, its biodiversity, and ecological integrity. Weed Management Areas (WMA's) have been formed around the state to bring together all stakeholders concerned about invasive weed control within their respective areas. County stakeholders had established viable WMA's and funding needed to support these efforts. Unfortunately, weed management funding has been eliminated and the State's role in weed management has been significantly reduced or eliminated.

**Resolution:** Support legislation and resources that would provide stable funding for Weed Management Areas or programs for the control of harmful non-native or invasive weed pests.

### **Health and Human Services**

**A. Problem:** The increasing demand for services for children, youth and families exceeds the resources of local government and private non-profit agencies.

**Resolution:** Support legislation that:

1. Creates opportunities and incentives for collaboration between businesses, schools, government and private, non-profit agencies for improved services for children, youth and families;
2. Increases the quality of child care through annual visits by DSS/Community Care Licensing to subsidized, licensed



exempt child care providers, including support of national accreditation activities and retention incentives, such as stipends to child care providers;

3. Creates opportunities for job mentoring for youth in businesses using tax incentives;
4. Advocate for health coverage for children.

~~B. **Problem:** The costs associated with the delivery of medical care ancillary services to individuals residing in Institutions for Mental Disease (IMD) facilities were not part of the original Realignment of services to the counties in 1991. Welfare and Institutions Code Section 14053.1 clearly establishes a state obligation to cover ancillary outpatient services, regardless of federal financial participation. The State has attempted to transfer all IMD ancillary responsibilities and federal audit risk to counties, without consideration of the potential for this constituting a new and unfunded state mandate.~~

~~**Resolution:** Seek full funding by the State for the delivery of IMD ancillary services. Also, in the interim, seek administrative and/or legislative relief to counties regarding IMDs by ensuring that the audit functions and responsibilities appropriately are a function of state government.~~

~~C.B. **Problem:** In the current special session on Health Care (the Second Extraordinary Session), introduced legislation proposes a tax increase on cigarette purchases. However, as history has indicated, any increase in cigarette taxes presents a decline in County First 5 Commission funding, which negatively impacts children served by programs funded by First 5.~~

~~**Resolution:** Seek amendments to existing proposed legislation that includes a guaranteed backfill to county First 5 commissions in the event an increase in cigarette taxation results in declining revenues to the First 5. Assure that any extension of tobacco taxation to related products such as e-cigarettes includes a provision to fund First 5 commissions.~~





**D.C. Problem:** Access for low-income families and Medicare beneficiaries to primary medical care and specialty care services in the County is impaired as a result of inadequate reimbursement rates from Medicare and Medi-Cal.

**Resolution:** Support/sponsor legislation which:

1. Increases in the rates of reimbursement for Medi-Cal, consistent with rates available in other jurisdictions and costs experienced by efficient providers;
2. Extends "disproportionate share" subsidies (presently available to inpatient care providers) to providers who serve a disproportionate share of lower-income patients on an outpatient basis;
3. Provides reasonable reimbursement for acquisition of medications, such as chemotherapy agents, which are administered in physician offices;
4. Provides reasonable reimbursement rates for mental health and dental services for all age groups (children, adolescents and adults).

**E.D. Problem:** Obesity among the County's residents is a significant and increasing health problem with complex causes. Two key causes are (1) lack of physical activity and (2) unhealthy eating. Prevention efforts should address individual practices and environmental factors which limit our ability to make healthful choices. Modifying behaviors and environmental factors is challenging, but crucial. Establishing healthy lifestyles will translate into fewer cases of diabetes, stroke, heart attack, and obesity among children and adults, as well as reduced health care costs for chronic illnesses associated with being medically overweight or obese.

**Resolution:** Support funding and policy changes that reduce the prevalence of obesity, and increase opportunities for physical activity and healthful eating.

**F.E. Problem:** As political subdivisions of the State of California, counties carry out public health and health care programs as contractors to, and partners with, the State. Counties incur legitimate increases from year to year in the cost of providing those services, and in most cases the State does not recognize those legitimate cost increases, failing to provide a commensurate



increase in the flow of State revenue to counties to carry out those health care delivery services.

**Resolution:** Support legislation and budget actions that will increase funding to the County in recognition of the increased costs of providing existing services through its contractual and other formal relationships with the State.

**G.F. Problem:** Health insurance providers often do not cover services provided to patients receiving treatment services for illnesses caused from or complicated by substance abuse or addictions.

**Resolution:** Support legislation that would require insurance providers to increase the extent to which services to patients whose conditions are caused or complicated by substance abuse or addiction are included in the scope of coverage.

**H.G. Problem:** San Luis Obispo County is home to approximately 23,000 veterans. The unique health and human services needs of veterans, particularly as they return home from conflicts, require and deserve important health and human service programs.

**Resolution:** Support legislation which provides for full funding for veterans' services, including transportation to facilities providing medical services to veterans.

**I.H. Problem:** When adults are discharged from acute care hospitals, there is often no in-home care available to ensure that patients are able to follow doctor's orders, purchase and take medication and otherwise care for themselves.

**Resolution:** Support legislative efforts to create funding for positions to ensure that discharged hospital patients receive follow-up in home care management to ensure that patients are able to comply with medical orders and recommendations and get and take prescribed medications.

**J.I. Problem:** San Luis Obispo County's 2015 Homeless Point-in-Time Census counted 1,515 homeless individuals within the County, of which 74% were unsheltered. Furthermore, the Census and Survey identified that 87% of homeless veterans were unsheltered, and



98% of transition-age youth (ages 18-24) were unsheltered in San Luis Obispo County. The U.S. Department of Housing and Urban Development's 2014 Annual Homeless Assessment Report to Congress indicated that California has the highest rate of unsheltered homeless people (62.7%) in the nation, yet San Luis Obispo County's rate of unsheltered is still well above that rate.

**Resolution:** Support legislation and budget actions that will increase funding to the County in recognition of the county's significant homeless population and lack of affordable housing. Funding for the following program areas is necessary if the County and other community partners are to reduce the number of homeless individuals within the county: housing, case management, supportive services for homeless families and children, mental health services, and drug and alcohol services.

**K.J. Problem:** The rates of mental disorders, chemical dependency and other chronic medical conditions are comparatively high in people who are involved in the criminal justice system. The State provides insufficient funding for medical and behavioral services resulting in inadequate treatment options for the criminal justice population and an increased likelihood of recidivism and high cost utilization of the medical care system.

**Resolution:** Support legislation and budget actions that will increase funding to the County to provide expanded mental health and substance use disorder treatment in general, and for the additional costs of medical care, including preventive care and pharmacy for the jail population.

**L.K. Problem:** The State is experiencing caseload backlogs at State Hospitals, which has resulted in a waiting list for beds. Inmates in our County jail that have been found incompetent to stand trial (IST) are facing lengthy wait times before being transferred from the County jail to a state hospital. There are no programs available in the County jail to restore these inmates to competency and these inmates decompensate further while awaiting transfer.

**Resolution:** Support legislation that would provide funds available to counties to provide treatment services to IST inmates to restore them to competency while being held in the County Jail or to



require expeditious transfer of IST inmates from the County jail to a State hospital.

**L. Problem:** Alcohol is well-known as a harmful substance that can lead to serious accidental or intentional injury and negative health outcomes including liver diseases, numerous cancers, and physiologic dependence. The younger the age at which a person begins to consume alcohol, the higher the likelihood that that person will become dependent and suffer negative health effects. Use of powdered alcohol is too new for the health risks to be quantified but is anticipated to be more severe than liquid alcohol due to: potency (reconstituting the alcohol at greater concentrations than intended); concealability and portability (bringing alcohol to places where it is banned); novel delivery methods (incorporating it into food or snorting it); and accidental overdoses (consumption in unfamiliar forms by people, including children, who are not aware of the potency).

**Resolution:** Support legislation that would ban the sale, distribution, manufacture, purchase, possession, or use of powdered alcohol.

**M. Problem:** E-cigarettes are a battery powered device that allows users to inhale a vapor containing nicotine or other substances. E-cigarettes are often available in flavors that may appeal to children and teens. There is currently no scientific evidence establishing the safety of e-cigarettes or the aerosol vapor they emit. The use of e-cigarettes in public places and workplaces complicate efforts to enforce and comply with smoke free laws. Currently there is no California or federal law that restricts where people can use e-cigarettes. Unless local smoke-free laws define "smoking" to include e-cigarettes, the use of this product may be legal in places where smoking cigarettes is prohibited.

**Resolution:** Support legislation that changes the definition of smoking to include the use of e-cigarettes. This would essentially ban their use in current places where smoking is banned, including government building, school campuses, and automobiles when children are present.



## **Law and Justice**

- A. **Problem:** Financial Elder abuse, such as identity theft, is a growing problem in California. The state has not allocated resource for controlling this problem area.

**Resolution:** Support efforts to increase state budget allocations to both criminal justice and human services for controlling the problem of financial elder abuse, particularly identity theft, in California.

## **General Government**

- A. **Problem:** Current state law is not clear about what happens if a community services district declares bankruptcy.

**Resolution:** Sponsor and/or support legislation which clearly establishes the process for the continued operation and governance of a community services district that declares bankruptcy.

- B. **Problem:** The Legislature has approved several bills in recent years to increase the type and number of advance presumptions for illness related to work. This results in increased county costs.

**Resolution:** Oppose legislation which would result in increased work-related illness presumptions.

- C. **Problem:** On-line travel agencies are actively seeking legislation and judicial remedies to alleviate their obligation to collect and remit all or portions of transient occupancy taxes to the appropriate jurisdictions, most recently in SB 848 (Hollingsworth, 2010), which failed passage.

**Resolution:** Oppose any legislation which would reduce or eliminate on-line travel agencies from collecting and remitting transient occupancy taxes to the appropriate local jurisdiction.

- D. **Problem:** State agencies authorized to provide sales and property tax exemptions to private businesses are not required and do not, as a matter of practice; notify local agencies, such as the County, of such tax treatment. Because local agencies are also affected by such exemptions, it is extremely important for planning and operations purposes that local affected agencies be notified by the State of any application for beneficial tax treatments for a private business located within the County.



**Resolution:** Seek legislative or administrative action which would effectuate notice by the State to local agencies when a business located within the County has applied for a sales tax exemption.

- E. **Problem:** Per the provisions of the County Budget Act (Section 29000), counties are required to prepare an annual budget based on a July 1 through June 30 fiscal year. In this economic climate, it is extremely important for counties to be able to plan for the future by developing multi-year strategies, goals and objectives. By planning beyond one year, programs and projects, such as capital or maintenance projects, can be developed and resources allocated in a more efficient, realistic manner. A two year budget cycle would also save counties money, time and effort in having to prepare a budget annually.

**Resolution:** Support legislation that would amend Section 29000 of the County Budget Act to allow counties the option of adopting two year budgets. Support legislation that would allow the State the option of adopting two year budgets.

- F. **Problem:** The Public Library Fund (PLF) is often the first to be cut by the State in balancing the budget.

**Resolution:** Support the maintenance of State funding for the PLF. Oppose further budget reductions to the PLF.

- G. **Problem:** The enacted FY 2011-12 State budget eliminated all transaction based reimbursements (TBR) funds authorized in the California Library Services Act (CLSA). The County Library uses these funds to offset pro rata charges from the Black Gold Cooperative as well as for Literacy Council Subvention. The elimination of these funds continues to impact the County's Black Gold Cooperative participation and the Literacy Council as it struggles to provide adequate services to a population that is in need of literacy services.

**Resolution:** Oppose CLSA funding reduction to county libraries, cooperative public library systems and literacy programs.

- H. **Problem:** There have been attempts by the legislature to regulate the contents of material kept in public libraries.



**Resolution:** Support the concept of “community standards” as the guiding principle for the content allowed in California’s public libraries.

- ~~I. **Problem:** In the past, the State has provided a subvention to counties, most particularly the assessor, to assist in paying for the administration of the property tax system. This is an important source of revenue necessary to sustain the property tax program. However, in the final 2005-2006 budget negotiations, the Property Tax Administration Grant program was eliminated. It has not been funded in any subsequent budget.~~

~~**Resolution:** Support any budget, legislative or executive action to restore funding to property tax administration program, while maintaining Board discretion for final allocation of the funds.~~

- I. **Problem:** Clarification is needed regarding when the State will authorize disaster assistance for local governments as allowed for by the California Disaster Assistance Act (CDAA). CDAA allows for local jurisdictions and certain non-profit groups to request and receive funding related to recovery of disaster caused damages. This has been an issue of note since about the year 2011. CDAA is administered by the Governor’s Office of Emergency Services (Cal OES).

San Luis Obispo County and other local governments have and are experiencing a trend of reduced access to State financial disaster assistance programs, specifically CDAA but also the FEMA administered Robert T. Stafford Act federal disaster recovery funding. Most notably, since 2011 there continues to be lack of clear criteria for the State to use when deciding to make those programs available to local government. Various counties, including San Luis Obispo County, have been working through the California State Association of Counties (CSAC) to address this issue. Despite these efforts, Cal OES still has not produced clear criteria to access CDAA funding.

Background Information: Between the years 2011-2014 only 3 of 36 statewide emergencies had access to CDAA funding with only two also accessing FEMA funding. FEMA funding must be requested by Cal OES. These events would likely have had access to funding in past disasters. Cited reasons by Cal OES for the decline in CDAA authorizations were the “overuse” by past governors and current State budget shortages. In addition, there is no appeal process if the application is denied.





Cal OES has reduced access to CDAA through two methods: the Director of Cal OES not "concurring with the existence of a local emergency" or not recommending the Governor proclaim the existence of a State of Emergency that would include CDAA funding for locally impacted jurisdictions.

**Resolution:** Legislative Platform: Seek and support legislation and/or administration action that would:

1. Restore and increase access to funding to California Disaster Assistance Act (CDAA) and Federal Emergency Management Agency (FEMA) Public Assistance (PA) and Individual Assistance (IA) programs;
2. Establish an appeals process for denied requests for local disaster assistance;
3. Allow local jurisdictions and eligible private non-profit entities to have full access to funding for recovery of emergency disaster-related damages;
4. Eliminate the Cal OES CDAA approval guideline for a FEMA "approved" Local Hazard Mitigation Plan (LHMP) and provide for language that allows Cal OES through CDAA to accept "submitted" LHMPs that have been submitted for review to Cal OES or FEMA or delete the requirement to have an LHMP which many special districts do not have;
5. Clarify and increase flexibility for disaster reimbursement of general work eligibility for local governments.